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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,561	11/21/2001	Melody Vos	S253-03800	3520
29855	7590	04/08/2004	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			RONES, CHARLES	
			ART UNIT	PAPER NUMBER
			2175	
			DATE MAILED: 04/08/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	09/991,561	VOS ET AL.
	Examiner Charles L. Rones	Art Unit 2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Request for Reconsideration

The request for reconsideration timely filed on February 9, 2004 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Leung et al. U.S. Patent No. 6,282,570 ('Leung').

Leung discloses:

As to claims 1, 14, and 27,

collecting statistics relating to operation of a database, wherein the database comprises one or more database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54;

determining characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54;

determining actions to be performed on the database objects based on the characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54;

automatically determining a schedule for performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54;

performing the actions on the database objects based on the schedule; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54;

confirming the performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54; and

monitoring results of the performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 2, 15, and 28,

wherein the statistics comprise object-level statistics; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 3, 16, and 29,

wherein the statistics comprise activity-level statistics; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 4, 17, and 30,

wherein the determining the characteristics of the database objects comprises
determining the characteristics of the database objects using the collected statistics;
See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 5, 18, and 31,

wherein the determining the characteristics of the database objects comprises
determining the characteristics of the database objects using one or more policies; See
Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 7, 19, and 32,

wherein the determining the characteristics of the database objects comprises
determining the characteristics of the database objects using one or more definitions;
See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 8, 20, and 33,

a user customizing the one or more definitions; See Abstract; 4:1-25; 5:21-55;
8:41-55; 10:22-54.

As to claims 9, 21, and 34,

performing the actions on the database objects based on the schedule; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54; confirming the performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54; and

analyzing results of the performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 10, 22, and 35,

reconfiguring one or more policies based on the analyzing the results of the performing the scheduled actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 11, 23, and 36,

wherein the determining the characteristics of the database objects comprises automatically determining the characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 12, 24, and 37,

wherein the determining the actions to be performed on the database objects based on the characteristics of the database objects comprises automatically determining the actions to be performed on the database objects based on the

characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 13, 25, and 38,

wherein the performing the actions on the database objects based on the schedule comprises automatically performing the actions on the database objects based on the schedule; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claim 39,

wherein the performing the actions on the database objects based on the schedule, the program instructions are further executable by the CPU to automatically perform the actions on the database objects based on the schedule; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

Response to Arguments

Applicant's arguments filed February 9, 2004 have been fully considered but they are not persuasive.

Firstly, Applicant argues that Leung does not teach "determining actions to be monitored."

In response, Examiner maintains that Leung discloses such wherein Leung teaches maintaining statistics on monitored database objects. See Abstract; 5:21-55.

Secondly, Applicant argues that Leung does not teach, "automatically determining a schedule for performing actions."

In response, Examiner maintains that Leung discloses such wherein Leung teaches that sampling is done systematically with a specified time limit and sampling periodically by the monitor. See 8:40-67; 9:1-67.

Thirdly, Applicant argues that Leung does not teach, "confirming the performing the actions on the database objects."

In response, Examiner maintains that Leung discloses such wherein Leung teaches that a monitoring list is maintained and values are checked and refreshed to point to a new memory location in the buffer. See 11:15-67.

Fourthly, Applicant argues that Leung does not teach, "monitoring results of the performing the actions on the database objects".

In response, Examiner maintains that Leung discloses such wherein Leung teaches that the data is refreshed and monitored. See 12:15-38.

Lastly, Applicant argues that Agarawal does not teach the limitations similarly to the first through third argument above.

In response, Examiner withdraws the Agarawal rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.



Charles L. Rones
Primary Examiner
Art Unit 2175

April 6, 2004